

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

THURSDAY, THE 9TH AUGUST 2007 / 18TH SRAVANA 1929

WP(C).No. 9799 of 2004(N)

PETITIONER:

**M.P.LABDURAHIMAN S/O. C.ABDULLA,
U.D.CLERK, ICDS PROJECT OFFICE, IRIKKUR,
SREEKANDAPURAM P.O., KANNUR DISTRICT.**

BY ADV. SRI.GRASHIOUS KURIAKOSE

RESPONDENTS:

- 1. STATE OF KERALA, REPRESENTED BY
SECRETARY, TAXES (H) DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.**
- 2. THE DIRECTOR, SOCIAL WELFARE DEPARTMENT,
VIKAS BHAVAN, THIRUVANANTHAPURAM.**
- 3. THE DIRECTOR,
STATE LOTTERY DEPARTMENT, THIRUVANANTHAPURAM.**

BY GOVERNMENT PLEADER SMT.T.B.RAMANI

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 09/08/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

W.P.(C) NO.9799/2004

APPENDIX

PETITIONER'S EXHIBITS

**EXT.P1:- COPY OF THE ORDER NO.EXTTT/344/95/D.L.O. DT. 23.3.95
ISSUED BY DISTRICT LOTTARY OFFICER.**

**EXT.P2:- COPY OF THE ORDER NO.ICDS/PVR/90/95 DT. 8.5.95 OF THE
CHILD DEVELOPMENT PROJECT OFFICER, PERAVOOR.**

**EXT.P3:- COPY OF THE REPRESENTATION DT. 17.4.95 FILED BY THE
PETITIONER BEFORE THE 3RD RESPONDENT.**

**EXT.P4:- COPY OF THE LETTER DT. 18.9.95 ISSUED BY THE 3RD
RESPONDENT TO THE PETITIONER.**

**EXT.P5:- COPY OF THE LETTER DT. .6.11.95 SENT BY THE PETITIONER TO
THE 3RD RESPONDENT.**

**EXT.P6:- COPY OF THE REPRESENTATION DT. 25.7.03 FILED BY THE
PETITIONER BEFORE THE 3RD RESPONDENT.**

**EXT.P7:- COPY OF THE LETTER DT. 13.1.04 SENT BY THE 3RD RESPONDENT
TO THE PETITIONER.**

**EXT.P8:- COPY OF THE LETTER DT. 18.11.03 ISSUED BY THE 1ST
RESPONDENT TO THE 3RD RESPONDENT.**

**EXT.P9:- COPY OF THE GOVERNMENT ORDER NO.G.O.(MS) 4/61/PD DT.
1.2.61 ISSUED BY THE 1ST RESPONDENT.**

/TRUE COPY/

P.A. TO JUDGE

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THOTTATHIL B.RADHAKRISHNAN, J.

W.P(C).No.9799 OF 2004

Dated this the 9th day of August, 2007

JUDGMENT

The petitioner, who was employed as a U.D. Clerk in the Lottery Department obtained an inter-departmental transfer to the Social Welfare Department and joined that department as an L.D. Clerk, foregoing his seniority. Thereafter, it appears that he applied to be re-transmitted to the Lottery Department. He joined the Social Welfare Department on 25.2.1995 and applied on 17.4.1995 for being re-admitted to the Lottery Department. Hence, it cannot be treated as a case of inordinate delay to apply for being brought back to the initial department. Ext.P9 Government Order also appears to provide adequate provision, on the basis of which, the petitioner could seek such relief.

For the aforesaid reasons the impugned Ext.P8 is quashed and the Government are directed to re-consider the application of the petitioner for being brought back to the Lottery Department in terms of Ext.P9 Government Order. A final

decision in this regard shall be taken at the earliest, at any rate, within a period of four months from the date of receipt of a copy of this judgment.

Sd/-

THOTTATHIL B.RADHAKRISHNAN,
Judge

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